

1 Assembly may set up a jury of six in the district court,
2 however, the accused would have the right to elect not
3 to be tried by that jury of six in the district court
4 and could be tried by a jury of 12, I would assume then
5 in the superior court under 5(A).

6 Could that be done?

7 THE CHAIRMAN: Delegate Henderson.

8 DELEGATE HENDERSON: That would depend upon the
9 action of the legislature. As I said several times
10 before, the legislature might in its wisdom decide to
11 confine it to a six-man jury in the district court rather
12 than a trial in a higher court.

13 THE CHAIRMAN: Do you have a further question?

14 DELEGATE JOHNSON: Wouldn't that then conflict
15 with Section 5(A)?

16 THE CHAIRMAN: This is part of 5(A), the
17 amendment.

18 DELEGATE JOHNSON: Wouldn't that sentence
19 conflict with what was mentioned prior to that wherein
20 it says that the accused shall have the right, as I
21 understand it, or as I read it, to be tried by an